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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,697	03/30/2001	Hassan P.A. Salam	66455-191-7	7375

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EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

2

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/820,697

Applicant(s)

SALAM, HASSAN P.A.

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on three applications filed in Great Britain on 4/4/2000, 5/11/2000, 12/7/2000. It is noted, however, that applicant has not filed certified copies of the three Great Britain application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 1, 2, 4, 8, 11/1, 11/2, 11/4, 11/8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabe (US 5,963,640).

Regarding claim 1, Rabe teaches a mobile phone assembly (figs. 1-2), comprising: a housing 12 that contains a radio transceiver 22, 24 and that supports an aerial 20; an ear-piece 32 for transmitting sound in a first direction; a transducer 24 for converting electrical signals into speech sound; and a dielectric member having an acoustic duct 30 that extends in

a longitudinal direction that is normal to said first direction (see numeral 32, fig. 7), said acoustic duct guiding sound 30 generated by said transducer into said ear-piece 32.

Regarding claim 2, Rabe further teaches including a lid 14 that is hinged to said housing 12, said lid 14 comprising said earpiece 32 and said duct 30.

Regarding claim 4, Rabe also teaches that said transducer 24 is placed in said housing 12 (fig. 1).

Regarding claim 8, Rabe also teaches that said duct is provided by at least one tube 30 (figs. 1-7).

Regarding claims 11/1, 11/2, 11/4 and 11/8, Rabe also inherently teaches the length as claimed (col. 14, lines 53-54).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 11/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabe.

Regarding claim 3, Rabe fails to teach that said transducer is placed in said lid. Compared this positioning of the transducer to the placing of the lid in dependent claim 4, one having skilled in the art would recognize that it is just design choice to position the transducer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the transducer either in the lid or the housing dependent on the choice of design.

Regarding claim 11/3 the claim is interpreted and rejected for the same reason as set forth in claim 11/1.

6. Claims 5 and 11/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabe in view of Thomas (AU 180901).

Regarding claim 5, it is noticed that this is another embodiment of the invention and Rabe fails to teach a member that has a sliding connection with said housing, said member comprising at least part of said duct. In the same field of mobile phone without a flip cover, Thomas teaches a member 13 that has a slide connection with a housing 12 and that the slide member

13 covers the duct 3, 4 (fig. 4, col. 6, lines 21-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Thomas to the mobile phone of Rabe when the mobile phone does not have lid in order to secure the sound tube.

Regarding claim 11/5 the claim is interpreted and rejected for the same reason as set forth in claim 11/1.

7. Claims 6-7, 9-10, 11/6, 11/7, 11/9 and 11/10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillip (US 6,337,914) in view of Whitby (WO 97/14582).

Regarding claim 6, it is noticed that this is another embodiment of the invention. Phillip teaches a mobile phone assembly (figs. 2-5), comprising: a housing 2 that inherently contains a radio transceiver and an aerial (see mobile phone, col. 3, line 2); an ear-piece 6 for transmitting sound in a first direction (fig. 6); inherently a transducer for converting electrical signals into speech sound; and a telescopic member 7 that comprise a tube connected perpendicularly to the ear-piece 6 (fig. 6). Phillip fails to teach that member has an acoustic duct that extends and that said acoustic duct guiding sound generated by said transducer into said ear-piece 6. In an

analogous art, Whitby teaches that the tube 11 can be implemented as acoustic duct guiding sound for the ear-piece 12, 13 (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Whitby to the mobile phone of Phillip so that the device does not extra power for amplifying the electronic signal to the ear-piece.

Regarding claim 7, Phillips as modified teaches that said telescopic arrangement comprises concentric tubes at least one of which can be parked inside said housing (figs. 2 and 6 of Phillips).

Regarding claims 9-10, it is noticed that this is another embodiment of the invention. Phillips as modified also teaches including a hands-free kit (abstract of Whitby); said kit comprising said transducer 8 (col. 7, line 8 of Whitby); said duct (11, fig. 1 of Whitby) and inherently a microphone (col. 7, line 13 of Whitby) and inherently electrical wiring terminating in an electrical connector (when recharged the battery).

Regarding claims 11/6, 11/7, 11/9 and 11/10, Phillips as modified also inherently teaches the length as claimed (fig. 1, numeral 11 of Whitby).

8. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitby (WO 97/14582) in view of Puthuff et al. (US 6,181,801).

Regarding claim 12, Whitby teaches a hands-free kit for a mobile phone (fig. 1, abstract), comprising: a dielectric member having an acoustic duct 11 that extends in a longitudinal direction that is normal to a first direction from the ear-piece 12, 13, said acoustic duct 11 guiding sound generated by said transducer into said ear-piece. Whitby fails to teach an electrical cable terminating in a connector; a microphone for delivering speech signals to said connector via said cable: an ear-piece for transmitting sound in a first direction: a transducer for converting electrical signals received from said connector into speech sound. In an analogous art, Puthuff teaches an electrical cable 16 terminating in a connector 17 (fig. 1); a microphone 34 for delivering speech signals to said connector via said cable: an ear-piece 12 for transmitting sound in a first direction; a transducer 14 for converting electrical signals received from said connector into speech sound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of




Puthuff to the hands-free kit of Whitby in order to easily control the frequencies thereby increases the intelligibility of the signal.

Regarding claim 13, Whitby as modified inherently teaches the length of the duct as claimed (see numeral 11, fig. 1 of Whitby).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/18/04  
LEE NGUYEN  
Primary Examiner  
Art Unit 2682